

Protective Order Committee  
Judicial Conference of Indiana

**Minutes**  
October 22, 2004

The Protective Order Committee met at the Indiana Judicial Center and the Indiana State Police Headquarters on Friday, October 22, 2004 from 12:00 noon – 3:00 p.m.

1. Members present. Tammy Baitz, John W. Forcum, John W. Hammel, J. Douglas Knight, Christina J. Miller, Jerry L. Ummel, and Thomas H. Busch, Chair
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Minutes. The minutes for August 27, 2004 were approved.
4. Guests. Kelly S. Dignin and Vivian Nowaczewski, Telecommunications Specialists, Indiana State Police (ISP); Major Dan Meek, Information Technology, ISP; Major Anthony Sommer, Attorney, ISP; Heather Dignin; Steven Johnson, Executive Director, Prosecuting Attorney Council; Ron Miller, Director, Trial Court Management, Division of State Court Administration.
5. Presentation by Indiana State Police.
  - a. Kelly Dignin requested (1) the Brady indicator on the cover sheet for Protection Orders be revised to indicate Yes, No and Unknown. She indicated IDACS operators do not know no or unknown is the correct response when the present single box is left empty by the court; (2) the committee consider asking the three Brady questions from the old confidential sheet in the present Protection Order; (3) the Brady codes in the right margin of the Protection Order forms be darkened; (4) Brady codes be added to No Contact Orders; and (5) make the original expiration date of the Protection Order long after the hearing on the order is set. This will help prevent IDACS operators from having to reenter the order if the court renews it after the expiration date.
  - b. ISP representatives also discussed validation of the protection orders by the ISP for IDACS, which must occur three (3) months after the order's first entry, and each year thereafter. The ISP must contact the entering agency. Committee members agreed the Clerk's Office and/or the court should be contacted.
  - c. Major Meek, ISP discussed a concern with entering WVRO's into IDACS. He said WVRO's could be entering the name of the business as a miscellaneous name and in other data fields.
  - d. Committee members and the ISP discussed the use of the Domestic Violence Determination form from the Division of State Court Administration. Major Meek and Major Sommer explained the determination in the form is used to disqualify a person convicted of a crime of domestic violence as indicated in Ind. Code § 35-41-1-6.3 from getting a firearm. Steve Johnson said once the court completes the form, it could be placed in the prosecutor's computer network, ProsLink. This data system sends information to the ISP criminal history files, which can be checked at the federal level to prevent persons from getting handguns if convicted of crimes of domestic violence under the statute. Ron Miller explained the form was posted on the Division of State Court Administration's website. Committee members agree to send a memorandum to all judges encouraging them to make the domestic violence determination under Ind. Code § 35-38-1-7.7 and distribute copies of the form to prosecutor and the defendant.

- e. The members of the committee agreed to revise the Brady indicator section on the cover sheet and add a Yes or No blank for judges to check for the Brady and other two questions in that section.
  - f. The committee members agreed to modify the Protection Order forms to add one of the three (3) Brady questions in the form of a findings of fact: New b. This order \_\_\_\_ does/\_\_\_\_ does not protect an intimate partner or child and place the other Brady questions, the old d. and h. on the form as a new c. and d. They agreed to change the Brady code on paragraph 8 on PO-0112 to a “07,” and agreed to darken the Brady codes on all Protection Orders.
  - g. Committee members agreed to add Brady codes to the No Contact Orders. Judge Forcum provided these codes.
  - h. Members of the committee agreed to ask Senior Judge Reichard review the above form changes.
6. Best practices for protection orders/Survey.
- a. Jeff Bercovitz distributed the written county protection order practice and procedure from the committee members. The committee reviewed this information.
  - b. Committee members revised a survey to be distributed to all judges about the use of protection orders in Indiana. They agreed the survey should be distributed in time for the results to be discussed at the January meeting. The survey results will be used to develop best practices, for educational programs, form revision and possible legislation.
7. Next meeting date.
- a. Committee members agreed go to end the committee meetings at 3:30 p.m., rather than 4:00 p.m., beginning in January.
  - b. Members of the committee agreed to meet at the following times: Either January 28 or February 25, 2005, if the January meeting occurs then no February meeting; March 25, 2005; April 22, 2005; June 24, 2005; July 22, 2005; and August 26, 2005; all from 12:00 noon – 3:30 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law